



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

US EPA RECORDS CENTER REGION 5



487208

10 AUG 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

5HSM-12

Jack L Woody Excavating
1431 South Central Drive
Dayton, OH 45432

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA, for the Powell Road Landfill in Huber Heights, Ohio.

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants on or about the Powell Road Landfill. It includes a 40 acre area south of Powell Road and north of the Great Miami River in southwest Huber Heights, Ohio. This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604 (e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Request is mandatory. Failure to respond fully and truthfully to each and every Information Request within forty-five (45) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 3008 of RCRA under which U.S. EPA may seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance, and/or pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal court of up to \$25,000 for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representatives may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001.

The United States Environmental Protection Agency has the authority to use the information requested herein in an administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

Your response to this Information Request should be mailed to:

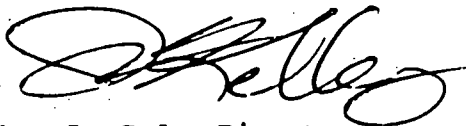
Resource Applications, Inc.
1000 Cambridge Square
Suite D
Alpharetta, GA 30201
Attn: Jim Ashworth

If you have any questions regarding this information request, please contact Joe Kawecki at (312) 886-7048 or Ken Tindall at (312) 886-9895. All legal questions should be directed to Leonardo Robinson of the Office of Regional Counsel at (312) 886-6830.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



for Mary A. Gade, Director
Office of Superfund

Enclosure

POWELL ROAD LANDFILL SITE

INFORMATION REQUEST

INSTRUCTIONS

1. Please provide a separate narrative response to each and every Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. Section 9404(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. 6927(b), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secrets," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this Attachment A:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms "the Site" or "the facility" shall mean and include the property on or about the SCA Services of Ohio property that is bounded by Powell Road and the Great Miami River and is also known as the Powell Road Landfill Site.
4. The term "hazardous substance" shall have the same definitions as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances, including petroleum products.
5. The term "pollutant or contaminant", shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous wastes and solid wastes, as defined above.

9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
11. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
12. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
13. The term "identify" means, with respect to a document, to provide its customary business description, its date, its the author, addressor, addressee and/or recipient, and the substance or the subject matter.
14. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing, into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and

(together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other documents.

16. The term "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
17. The term "arrangement" means every separate contact or other agreement between two or more persons.
18. The terms "transactions" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
19. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
20. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

FINANCIAL BACKGROUND DEFINITIONS

21. The term "property interest" means any interest in property including but not limited to, any ownership interest, including an easement, any interest in the rental of property, any interest in a corporation that owns or rents, or owned or rented property.
22. The term "assets" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. List the EPA RCRA Identification Numbers of the Respondent, if any, and identify the corresponding units, facilities or vessels assigned these numbers.
5. Describe the acts or omissions of any persons, other than your employees, agents or those persons with whom you had a contractual relationship, that may have caused, the release or threat of release of hazardous substances at the Site.

In Addition:

- a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties and the consequences that could foreseeable result from such acts or omissions.
- b. Describe the care you exercised with respect to the hazardous substances found at the Site.
6. Identify all persons, including Respondent's employees, who have knowledge, information or documents about the generation, use, purchase, treatment, storage, disposal or other handling of materials at or transportation of materials to the Site.
7. Describe all arrangements that Respondent may have or may have had with each of the persons on the attached list.
8. For each and every current owner, operator, lessor or lessee of any portion of the Site:
 - a. Identify such person and the nature of their operation at the Site.

- b. Describe the portion of the Site owned, operated, leased by each such person and state the dates during which each portion was owned, operated or leased.
 - c. Provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
9. For each and every prior owner, operator, lessor or lessee of any portion of the Site known to you:
- a. Identify such person and the nature of their operation at the Site.
 - b. Describe the portion of the Site owned, operated, leased by each such person and state the dates during which each portion was owned, operated or leased.
 - c. Provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
 - d. Provide all evidence that hazardous materials were released or threatened to be released at the Site during the period that they owned the Site.
10. Have you or any other person working with you or on your behalf ever accepted waste materials for transportation to the Site from any person? If the answer to this question is anything but an unequivocal no, identify:
- a. The persons from whom you or such other persons accepted wastes materials for transport to the Site;
 - 1. Identify the individual(s) serving as the point of contact for transporters at the pick points(s).
 - 2. Identify all plant employees at the pick up point(s) who assisted in loading the truck.
 - 3. Identify all portions of the plant where material was pick up.
 - b. Every date on which waste materials were so accepted or transported;

- c. For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;
 - d. For each material, describe any warnings given to you with respect to its handling;
 - e. The owner of the materials so accepted or transported;
 - f. The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;
 - g. All tests or analyses and analytical results concerning each material;
 - h. The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site.
- 11. Identify the parent corporation and all subsidiaries of Respondent.
 - 12. Identify all persons who may be responsible for the liabilities of Respondent arising from or relating to the release or threatened release of hazardous substances at the Site, including but not limited to successors and individuals.
 - 13. Provide a copy of the most current Articles of Incorporation and By-laws of Respondent.
 - 14. Identify the officers, managers and majority shareholders of Respondent and the nature of their management duties and amount of shares held, respectively.
 - 15. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Questions contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

16. For each and every Question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.